

## § 93.304

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of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Administrator, with the concurrence of the Secretary of the Treasury.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 15489, Apr. 17, 1991; 57 FR 37690, Aug. 20, 1992; 58 FR 45237, Aug. 27, 1993; 60 FR 16045, Mar. 29, 1995; 60 FR 25120, May 11, 1995; 61 FR 52239, Oct. 7, 1996; 62 FR 27938, May 22, 1997. Redesignated and amended at 62 FR 56012, Oct. 28, 1997; 64 FR 23179, Apr. 30, 1999; 65 FR 38178, June 20, 2000; 67 FR 68022, Nov. 8, 2002]

### **§ 93.304 Import permits for horses from regions affected with CEM and for horse specimens for diagnostic purposes; reservation fees for space at quarantine facilities maintained by APHIS.**

(a) *Application for permit; reservation required.* (1)(i) For horses from regions listed in § 93.301(c)(1) of the regulations, horses intended for quarantine at a quarantine facility provided by the importer, and horse test specimens for diagnostic screening purposes, intended for importation from any part of the world, except as otherwise provided for in §§ 93.315, 93.319, and 93.321, the importer shall first apply for and obtain from APHIS an import permit. The application shall specify the name and address of the importer; the species, breed, number or quantity of horses or horse test specimens to be imported; the purpose of the importation; individual horse identification which includes a description of the horse, name, age, markings, if any, registration number, if any, and tattoo or eartag; the region of origin; the name and address of the exporter; the port of embarkation in the foreign region; the mode of transportation, route of travel, and the port of entry in the United States; the proposed date of arrival of the horses or horse test specimens to be imported; and the name of the person to whom the horses or horse test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the horses are susceptible, as well as vaccinations or other precautionary treatments to which the

horses or horse test specimens have been subjected. Notice of any such requirements will be given to the applicant in each case.

(ii) Horses intended for importation under § 93.301(f) of this part must meet the permit requirements of paragraph (a)(1)(i) of this section. Additionally, for horses intended for importation under § 93.301(f) of this part, the horse's owner or importer must include the following information with the application for permit that is required by paragraph (a)(1)(i) of this section:

(A) That the application is being made for a horse that will remain in the United States for no more than 90 days;

(B) The names, dates, and locations of the events in which the horse will compete while in the United States;

(C) The names and locations of the premises on which the horse will be kept while in the United States, and the dates the horse will be kept on each premises; and

(D) The methods and routes by which the horse will be transported while in the United States.

(iii) Approval of an application for a permit to import a horse under § 93.301(f) of this part is contingent upon a determination by the Administrator that sufficient APHIS personnel are available to provide the services required. If more than one application for an import permit is received, APHIS personnel will be assigned in the order that applications that otherwise meet the requirements of this section are received.

(2) An application for permit to import horses from regions listed in § 93.301(c)(1) of the regulations, horses intended for quarantine at a quarantine facility provided by the importer, may also be denied because of: Communicable disease conditions in the area or region of origin, or in a region where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned regions; the importer's failure to provide satisfactory evidence concerning the origin, history, and health

status of the horses; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Administrator believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.

(3)(i) The importer or importer's agent shall pay or ensure payment of a reservation fee for each lot of horses to be quarantined in a facility maintained by USDA. For horses, the reservation fee shall be 100 percent of the cost of providing care, feed, and handling during quarantine, as estimated by the quarantine facility's veterinarian in charge.

(ii) At the time the importer or the importer's agent requests a reservation of quarantine space, the importer or importer's agent shall pay the reservation fee by check or U.S. money order or ensure payment of the reservation fee by an irrevocable letter of credit from a commercial bank (the effective date on such letter of credit shall run to 30 days after the date the horses are scheduled to be released from quarantine); except that anyone who issues a check to the Department for a reservation fee which is returned because of insufficient funds shall be denied any further request for reservation of a quarantine space until the outstanding amount is paid.

(iii) Any reservation fee paid by check or U.S. money order shall be applied against the expenses incurred for services received by the importer or importer's agent in connection with the quarantine for which the reservation was made. Any part of the reserva-

tion fee which remains unused after being applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the reservation was made, shall be returned to the individual who paid the reservation fee. If the reservation fee is ensured by a letter of credit, the Department will draw against the letter of credit unless payment for services received by the importer or importer's agent in connection with the quarantine is otherwise made at least 3 days prior to the expiration date of the letter of credit.

(iv) Any reservation fee shall be forfeited if the importer or the importer's agent fails to present for entry, within 24 hours following the designated time of arrival, the horse for which the reservation was made: *Except* that a reservation fee shall not be forfeited if the Administrator determines that services, other than provided by carriers, necessary for the importation of the horses within the required period are unavailable because of unforeseen circumstances as determined by the Administrator (such as the closing of an airport due to inclement weather or the unavailability of the reserved space due to the extension of another quarantine).

(v) If the reservation fee was ensured by a letter of credit and the fee is to be forfeited under paragraph (a)(3)(iv) of this section, the Department will draw against the letter of credit unless the reservation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(vi) If a reservation is canceled, the importer or the importer's agent will be charged a fee according to the following schedule:

| Cancellation date   | Fee                                 |
|---|-------------------------------------|
| 30 or more days before the scheduled reservation date .....   | 25 percent of the reservation fee.  |
| 15–29 days before the scheduled reservation date .....        | 50 percent of the reservation fee.  |
| Less than 15 days before the scheduled reservation date ..... | 100 percent of the reservation fee. |

(vii) If the reservation fee was ensured by a letter of credit, the Department will draw the amount of the cancellation fee against the letter of credit unless the cancellation fee is other-

wise paid at least 3 days prior to the expiration date of the letter of credit.

(b) *Permit.* (1) When a permit is issued, the original and two copies will be sent to the importer. It shall be the

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responsibility of the importer to forward the original permit and one copy to the shipper in the region of origin, and it shall also be the responsibility of the importer to ensure that the shipper presents the copy of the permit to the carrier and makes the necessary arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs.

(2) Horses and horse test specimens for which a permit is required under paragraph (a) of this section will be received at the port of entry specified on the permit within the time prescribed in the permit, which shall not exceed 14 days from the first day that the permit is effective.

(3) Horses and horse test specimens for which a permit is required under paragraph (a) of this section will not be eligible for entry if:

(i) A permit has not been issued for the importation of the horse or horse test specimen;

(ii) If the horse or horse test specimen is unaccompanied by the permit issued for its importation;

(iii) If the horse or horse test specimen is shipped from any port other than the one designated in the permit;

(iv) If the horse or horse test specimen arrives in the United States at any port other than the one designated in the permit;

(v) If the horse or horse test specimen offered for entry differs from that described in the permit; or

(vi) If the horse or horse test specimen is not handled as outlined in the application for the permit and as specified in the permit issued.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 15489, 15492, Apr. 2, 1991; 56 FR 15489, 15492, Apr. 17, 1991; 56 FR 63627, Dec. 5, 1991; 56 FR 66781, Dec. 26, 1991; 57 FR 27901, June 23, 1992; 59 FR 31924, June 21, 1994; 59 FR 52237, Oct. 17, 1994; 60 FR 49752, Sept. 27, 1995; 61 FR 1699, Jan. 23, 1996; 61 FR 52239, 52245, Oct. 7, 1996. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997; 67 FR 72830, Dec. 9, 2002]

### § 93.305 Declaration and other documents for horses.

(a) The certificates, declarations, and affidavits required by the regulations in this part shall be presented by the importer or his or her agent to the collector of customs at the port of entry,

upon arrival of horses at such port, for the use of the veterinary inspector at the port of entry.

(b) For all horses offered for importation, the importer or his or her agent shall first present two copies of a declaration which shall list the port of entry, the name and address of the importer, the name and address of the broker, the origin of the horses, the number, breed, species, and purpose of the importation, the name of the person to whom the horses will be delivered, and the location of the place to which such delivery will be made.

### § 93.306 Inspection at the port of entry.

Inspection shall be made at the port of entry of all horses imported from any part of the world except as provided in §§ 93.318 and 93.323. All horses found to be free from communicable disease and not to have been exposed thereto within 60 days prior to their exportation to the United States shall be admitted subject to the other provisions in this part; all other horses shall be refused entry. Horses refused entry, unless exported within a time fixed in each case by the Administrator of Veterinary Service, and in accordance with other provisions he or she may require in each case for their handling shall be disposed of as the Administrator may direct. Such portions of the transporting vessel, and of its cargo, which have been exposed to any such horses or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, to prevent the introduction or spread of livestock or poultry disease, before the cargo is allowed to land.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997; 68 FR 6344, Feb. 7, 2003]

### § 93.307 Articles accompanying horses.

No litter or manure, fodder or other aliment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about horses governed by the regulations this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.